

Fajardo, Juan

From: Gilezan, Grant <GGilezan@dykema.com>
Sent: Tuesday, February 28, 2023 4:12 PM
To: Fajardo, Juan; Witt, Michael; Laura Rowley
Subject: RE: Draft Upland Processing Facility Consent Decree - Settlement Confidential

Thanks. I will set it up at 12 Eastern on Monday, March 6. Look for the calendar invitation next.

Grant

Grant P. Gilezan

Member

D 313-568-6789 ▪ M 313-310-6334
GGilezan@dykema.com ▪ dykema.com

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From: Fajardo, Juan <Fajardo.Juan@epa.gov>
Sent: Tuesday, February 28, 2023 4:10 PM
To: Gilezan, Grant <GGilezan@dykema.com>; Witt, Michael <mwitt@PVSC.com>; Laura Rowley <Laura.Rowley@usdoj.gov>
Subject: RE: Draft Upland Processing Facility Consent Decree - Settlement Confidential

*** EXTERNAL ***

I do not have a preference.

From: Gilezan, Grant <GGilezan@dykema.com>
Sent: Tuesday, February 28, 2023 3:37 PM
To: Witt, Michael <mwitt@PVSC.com>; Laura Rowley <Laura.Rowley@usdoj.gov>; Fajardo, Juan <Fajardo.Juan@epa.gov>
Subject: RE: Draft Upland Processing Facility Consent Decree - Settlement Confidential

Yes, I'm available on March 6 during both timeframes referenced in Juan's note.

Juan/Laura, please let me know your preference for a start time and I will send out a calendar invitation to set it up.

Thanks,
Grant

Grant P. Gilezan

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From: Witt, Michael <mwitt@PVSC.com>
Sent: Tuesday, February 28, 2023 3:31 PM
To: Rowley, Laura (ENRD) <Laura.Rowley@usdoj.gov>; Fajardo, Juan <Fajardo.Juan@epa.gov>; Gilezan, Grant <GGilezan@dykema.com>
Subject: RE: Draft Upland Processing Facility Consent Decree - Settlement Confidential

Let's do Monday the 6th if that works for Grant.

From: Rowley, Laura (ENRD) <Laura.Rowley@usdoj.gov>
Sent: Tuesday, February 28, 2023 3:30 PM
To: Fajardo, Juan <Fajardo.Juan@epa.gov>; Gilezan, Grant <GGilezan@dykema.com>
Cc: Witt, Michael <mwitt@PVSC.com>
Subject: RE: Draft Upland Processing Facility Consent Decree - Settlement Confidential

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Hi Grant, Mike and Juan –

I apologize, things move quickly in my office and since I compared calendars with Juan, I've now scheduled meetings on another case for tomorrow morning at 10:30 (it will probably run about 45 minutes), and Thursday morning. I could move the meeting tomorrow if needed. The other times are still good for me. Thanks!

Laura J. Rowley
U.S. Department of Justice
Environmental Enforcement Section
(202) 532-5896

From: Fajardo, Juan <Fajardo.Juan@epa.gov>
Sent: Tuesday, February 28, 2023 3:25 PM
To: Gilezan, Grant <GGilezan@dykema.com>
Cc: Rowley, Laura (ENRD) <Laura.Rowley@usdoj.gov>; Michael Witt Esq. (mwitt@pvsc.com) <mwitt@pvsc.com>
Subject: [EXTERNAL] RE: Draft Upland Processing Facility Consent Decree - Settlement Confidential

Grant,

Hope all is well. We are available for a call on:

March 1, 9 - 12;

March 2, 9 - 11 or 12:30 - 2:30

March 6, 9 - 11 or 12 - 2:30

If any of these work for you and Mike, please feel free to send an invite.

Thanks,

Juan

From: Gilezan, Grant <GGilezan@dykema.com>

Sent: Thursday, February 16, 2023 9:57 PM

To: Fajardo, Juan <Fajardo.Juan@epa.gov>

Cc: Laura Rowley <Laura.Rowley@usdoj.gov>; Michael Witt Esq. (mwitt@pvsc.com) <mwitt@pvsc.com>

Subject: RE: Draft Upland Processing Facility Consent Decree - Settlement Confidential

Hello, Juan.

Thanks very much for following up with us.

Our current availability in early March for a next discussion is as follows:

March 1: 9-12

March 2: 9-5

March 3: 9-3

March 6: 9-11; 12-2:30; and 3-5

Please let us know whether any of those dates/timeframes are workable for you and Laura. If not, please suggest other options after March 7, as that day does not work for us.

Best regards,
Grant

Grant P. Gilezan

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The logo for Dykema, featuring the word "Dykema" in a bold, blue, sans-serif font. The letter "i" is stylized with a dot that is a small square.

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From: Fajardo, Juan <Fajardo.Juan@epa.gov>
Sent: Monday, February 13, 2023 3:42 PM
To: Michael Witt Esq. (mwitt@pvsc.com) <mwitt@pvsc.com>; Gilezan, Grant <GGilezan@dykema.com>
Cc: Laura Rowley <Laura.Rowley@usdoj.gov>
Subject: FW: Draft Upland Processing Facility Consent Decree - Settlement Confidential

Mike and Grant:

To follow-up on our call on February 7, 2023, I'm forwarding the January 21, 2020 email from Larry Silver that attaches a redlined draft consent decree incorporating comments agreed to by PVSC and Occidental. The United States has not yet commented on that redlined draft consent decree. **FOIA Exemption 7(A) - Interference with Enforcement**

As we stated during the call, we are available for a meeting in early March to discuss moving forward with a UPF consent decree and believe that such a meeting should include Occidental. Please let me know dates and times in early March you are available for such a meeting. It would be very helpful to have your revised version of the draft consent decree prior to the meeting.

Sincerely,

Juan M. Fajardo
Assistant Regional Counsel

From: Larry Silver <lsilver@lssh-law.com>
Sent: Tuesday, January 21, 2020 8:38 AM
To: Flanagan, Sarah <Flanagan.Sarah@epa.gov>; Fajardo, Juan <Fajardo.Juan@epa.gov>
Cc: Grant P. Gilezan (ggilezan@dykema.com) <ggilezan@dykema.com>; Mike Witt <mwitt@pvsc.com>; LAMills@duanemorris.com; kbohn@chasanlaw.com; Joanne Vos <jvos@mfhenvlaw.com>; Phoebe Youhanna <pyouhanna@mfhenvlaw.com>; Michelle Spencer <m Spencer@cq-law.com>; Neil D Marotta (mgclawyers@aol.com) <mgclawyers@aol.com>; Foster, Angela <fostera@ci.newark.nj.us>; Joseph Maraziti <jmaraziti@mfhenvlaw.com>; Parigi, Frank <Frank.Parigi@oxy.com>
Subject: Draft Upland Processing Facility Consent Decree - Settlement Confidential

**Submitted Pursuant to FRE 408 – Offer to Compromise
Confidential Settlement Communication**

Sarah and Juan,

I have attached a draft of the Upland Processing Facility Consent Decree submitted on behalf of the prospective Settling Defendants Occidental Chemical Corporation (OxyChem), Passaic Valley Sewerage Commission (PVSC), and the following municipalities: City of Newark, Town of Harrison, Borough of East Newark and Town of Kearny. The draft submitted is redlined against the Word version of the draft CD sent out by EPA as a pdf on July 2, 2019. Juan F. sent me the Word version of that draft by email dated September 23, 2019.

Counsel for each of the prospective Settling Defendants are copied on this submission. Please be advised that the submitted document does not yet have formal execution approval from OxyChem, PVSC or the municipalities.

Best regards,

Larry
Larry Silver
lsilver@lssh-law.com
Direct: 215.239.9023



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